



Future of Florida's Families Committee

Wednesday, March 15, 2006

9:00 AM – 11:00 AM

12 House Office Building

ACTION PACKET

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/15/2006 9:00:00AM

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bill Galvano (Chair)			X
Rafael Arza	X		
Aaron Bean	X		
Susan Bucher	X		
Mike Davis	X		
Richard Glorioso	X		
Susan Goldstein	X		
Will Kendrick	X		
Totals:	7	0	1

Committee meeting was reported out: Wednesday, March 15, 2006 11:09:20AM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/15/2006 9:00:00AM

Location: 12 HOB
HB 1231 : Child Care

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein	X				
Will Kendrick	X				
Bill Galvano (Chair)			X		
Total Yeas: 7		Total Nays: 0			

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COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/15/2006 9:00:00AM

Location: 12 HOB

PCB FFF 06-03 : Child Protective Services

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein	X				
Will Kendrick	X				
Bill Galvano (Chair)			X		
Total Yeas: 6		Total Nays: 0			

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COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/15/2006 9:00:00AM

Location: 12 HOB

Summary:

Future of Florida's Families Committee

Wednesday March 15, 2006 09:00 am

HB 1231 Favorable With Committee Substitute

Yeas: 7 Nays: 0

PCB FFF 06-03 Favorable

Yeas: 6 Nays: 0

Committee meeting was reported out: Wednesday, March 15, 2006 11:09:20AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 1231**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: Future of Florida's Families
Representative(s) Bean offered the following:

Amendment (with Title Amendment)

On line 91, delete may
and insert: shall

=====T I T L E A M E N D M E N T=====

On line 9, delete: authorizing
and insert: requiring

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 1231**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Future of Florida's Families
2 Representative(s) Ausley offered the following:

3
4 **Amendment (with Title Amendment)**

5 Delete lines 148 through 203, and insert:

6 402.310 Disciplinary actions; hearings upon denial,
7 suspension, or revocation of license or registration;
8 administrative fines.-

9 (1)(a) The department or local licensing agency may
10 administer any of the following disciplinary actions for a
11 violation of any provision of ss. 402.301-402.319 or rules
12 adopted thereunder: ~~deny, suspend, or revoke a license or~~

13 1. Impose an administrative fine not to exceed \$100 per
14 violation, per day, ~~for the violation of any provision of ss.~~
15 ~~402.301-402.319 or rules adopted thereunder.~~ However, if ~~where~~
16 the violation could or does cause death or serious harm, the
17 department or local licensing agency may impose an
18 administrative fine, not to exceed \$500 per violation per day,
19 in addition to or in lieu of any other disciplinary action
20 described in this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

21 2. Convert a license or registration to probation status
22 and require the licensee or registrant to comply with the terms
23 of probation. A probation-status license or registration may
24 not be issued for a period that exceeds 6 months and the
25 probation-status license or registration may not be renewed. A
26 probation-status license or registration may be suspended or
27 revoked if periodic inspection by the department or local
28 licensing agency finds that the probation-status licensee or
29 registrant is not in compliance with the terms of probation or
30 that the probation-status licensee or registrant is not making
31 sufficient progress towards compliance with ss. 402.301-402.319.

32 3. Deny, suspend, or revoke a license or registration.

33 (b) In determining the appropriate disciplinary action to
34 be taken for a violation as provided in paragraph (a), the
35 following factors shall be considered:

36 1. The severity of the violation, including the
37 probability that death or serious harm to the health or safety
38 of any person will result or has resulted, the severity of the
39 actual or potential harm, and the extent to which the provisions
40 of ss. 402.301-402.319 have been violated.

41 2. Actions taken by the licensee or registrant to correct
42 the violation or to remedy complaints.

43 3. Any previous violations of the licensee or registrant.

44 (c) The department shall adopt rules to:

45 1. Establish the grounds under which the department may
46 deny, suspend, or revoke a license or registration or place a
47 licensee or registrant on probation status for violations of ss.
48 402.301-402.319.

49 2. Establish a uniform system of procedures to impose
50 disciplinary sanctions for violations of ss. 402.301-402-319.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

51 The uniform system of procedures must provide for the consistent
52 application of disciplinary actions across districts and a
53 progressively increasing level of penalties from predisciplinary
54 actions, such as efforts to assist licensees or registrants to
55 correct the statutory or regulatory violations, to severe
56 disciplinary sanctions for actions that jeopardize the health
57 and safety of children, such as for the deliberate misuse of
58 medications. The department shall implement this subparagraph
59 on January 1, 2007, and the implementation is not contingent
60 upon a specific appropriation.

61 (d) The disciplinary sanctions set forth in this section
62 apply to licensed child care facilities, licensed large family
63 child care homes, and licensed or registered family day care
64 homes.

65 (2) When the department has reasonable cause to believe
66 that grounds exist for the denial, suspension, or revocation of
67 a license or registration; the conversion of a license or
68 registration to probation status; or the imposition of an
69 administrative fine exist, it shall determine the matter in
70 accordance with procedures prescribed in chapter 120. When the
71 local licensing agency has reasonable cause to believe that
72 grounds exist for the denial, suspension, or revocation of a
73 license or registration; the conversion of a license or
74 registration to probation status; or the imposition of an
75 administrative fine exist, it shall notify the applicant,
76 registrant, or licensee in writing, stating the grounds upon
77 which the license or registration is being denied, suspended, or
78 revoked or an administrative fine is being imposed. If the
79 applicant, registrant, or licensee makes no written request for
80 a hearing to the local licensing agency within 15 days after

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

81 ~~from~~ receipt of the such notice, the license shall be deemed
82 denied, suspended, or revoked; the license or registration shall
83 be converted to probation status; or an administrative fine
84 shall be imposed.

85 (3) If a request for a hearing is made to the local
86 licensing agency, a hearing shall be held within 30 days and
87 shall be conducted by an individual designated by the county
88 commission.

89 (4) An applicant, registrant, or licensee has ~~shall have~~
90 the right to appeal a decision of the local licensing agency to
91 a representative of the department. Any required hearing shall
92 be held in the county in which the child care facility, family
93 day care home, or large family day care home is being operated
94 or is to be established. The hearing shall be conducted in
95 accordance with ~~the provisions of~~ chapter 120.

96
97 **T I T L E A M E N D M E N T**
98

99 Delete lines 22 through 24, and insert:
100 and registrations; amending s. 402.310, F.S.; providing that an
101 increased administrative fine may be imposed in addition to or
102 in lieu of other disciplinary actions; authorizing the
103 department or local licensing agencies to convert a license or
104 registration to probation status for a violation of certain laws
105 and rules; authorizing the department or local licensing
106 agencies to apply disciplinary actions to registered family day
107 care homes; directing the department to adopt rules establishing
108 grounds for imposing disciplinary actions for violations of
109 certain laws and rules; directing the department to adopt rules

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

110 to create a uniform system of procedures to use for disciplinary
111 actions; amending

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

22 ===== T I T L E A M E N D M E N T =====

23

24 On line 28, after the semicolon, insert:
25 creating s. 402.317, F.S.; authorizing the provision of child
26 care for a period longer than otherwise authorized if a parent
27 or legal guardian works a shift of 24 hours or more;

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